

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bruce Radl Art Unit : 2612
Serial No. : 09/966,484 Examiner : Timothy J. Henn
Filed : September 28, 2001
Title : IMAGING WITH SPECTRALLY DISPERSIVE ELEMENT FOR ALIASING
REDUCING

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed August 11, 2006 (copy enclosed). The application was said to be abandoned under 37 CFR §1.135 for failure to respond to an Office Letter we never received said to have been mailed May 15, 2006, after we paid the issue fees.

The Notice of Abandonment states:

This application is abandoned in view of:

Applicant's failure to timely file a proper reply to the Office letter mailed on 05/15/06.

The aforementioned Office Letter said to have been mailed May 15, 2006 was never received. A thorough search of the mail logs and docket records was conducted.

The following documents are submitted as proof that the Office letter said to have been mailed May 15, 2006, was never received:

1. A copy of the transactional history, published on the USPTO Patent Application Information Retrieval (PAIR) site failing to list any transaction on May 15, 2006; and
2. A declaration by Janine M. Goodwin, Senior Patent Docketing Specialist.

The undersigned, applicant's attorney of record, first became aware of the abandonment on August 17, 2006, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

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Serial No. : 09/966,484
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Page : 2 of 2

Attorney's Docket No.: 13076-002001 / AAMOSP01

Please apply any charges or credits to Deposit Account No. 06-1050, Order No. 13076-002001.

Respectfully submitted,
FISH & RICHARDSON P.C.

Date: 25 August 2006

/charles hieken/
Charles Hieken
Reg. No. 18,411
Attorney for Application Owner

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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Enclosures: Copy of the Transaction History; and a Declaration by Janine M. Goodwin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bruce Radl Art Unit : 2612
Serial No. : 09/966,484 Examiner : Timothy J. Henn
Filed : September 28, 2001 Conf. No. : 6457
Title : IMAGING WITH SPECTRALLY DISPERSIVE ELEMENT FOR ALIASING
REDUCING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JANINE M. GOODWIN

I, Janine M. Goodwin, declare as follows:

1. I have been employed by Fish & Richardson P.C. since September 4, 2000, as a Sr. Docketing Specialist in the Patent Services Department.

2. When mail is received by Fish & Richardson P.C. from the U.S. Patent and Trademark Office ("PTO"), the mail is scanned into the Fish & Richardson P.C. electronic mail system, which electronically routes the mail to the Docketing Department and to all attorneys affiliated with the case. The mail is docketed in the Fish & Richardson P.C. computerized docketing system from the electronic image. The hardcopy original mail is sent to the Records Department for entry into the file.

3. According to our docket system the case identified as U.S.S.N. 09/966,484 filed September 28, 2001 corresponds to client/matter number 13076-002001.

4. I have checked our computerized docketing system and found that the PTO correspondence allegedly mailed May 15, 2006, concerning the above-captioned case was not entered or docketed.

5. I have checked our electronic mail log for the period of time from May 15, 2006 through June 15, 2006. If we had received a PTO action for application number 09/966,484, I would expect to see an entry in the mail log which would include the date received, the Fish &

Applicant : Bruce Radl
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Filed : September 28, 2001
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Attorney's Docket No.: 13076-002001 / AAMOSP01

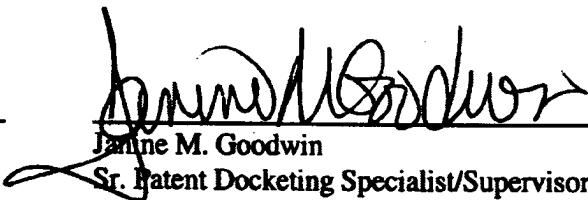
Richardson reference number, and the base date of May 15, 2006. There is no record of ever receiving the action allegedly mailed May 15, 2006. I believe Fish & Richardson P.C. did not receive the office action allegedly mailed May 15, 2006.

6. I also checked copies of our docket printouts showing docketing deadlines occurring on July 15, 2006. For application U.S.S.N. 09/966,484, if we had received an action dated May 15, 2006, I would have expected to find the docketed due date of July 15, 2006 for response to the action. I did not find such a docket entry in the docket printout for July 15, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 8/28/06


Jeanine M. Goodwin

Sr. Patent Docketing Specialist/Supervisor

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Transaction History

Date	Transaction Description
08-11-2006	Mail Abandonment for Failure to Correct Drawings/Oath
08-11-2006	Abandonment for Failure to Correct Drawings/Oath/NonPub Request
08-03-2006	Application Is Considered Ready for Issue
12-15-2005	Issue Fee Payment Verified
08-01-2006	Receipt into Pubs
06-12-2006	Receipt into Pubs
03-21-2005	Case Docketed to Examiner in GAU
01-23-2006	Receipt into Pubs
12-15-2005	Issue Fee Payment Received
11-30-2005	Receipt into Pubs
09-14-2005	Mail Notice of Allowance
09-07-2005	Notice of Allowance Data Verification Completed
09-07-2005	Case Docketed to Examiner in GAU
07-29-2005	Amendment/Argument after BPAI Decision
06-01-2005	Mail BPAI Decision on Appeal - Affirmed
05-31-2005	BPAI Decision - Examiner Affirmed
03-29-2005	Confirmation of Hearing by Appellant
03-24-2005	Notification of Appeal Hearing
12-23-2004	Docketing Notice Mailed to Appellant
12-23-2004	Assignment of Appeal Number
10-27-2004	Appeal Awaiting BPAI Docketing
10-27-2004	Mail Miscellaneous Communication to Applicant
10-26-2004	Miscellaneous Communication to Applicant - No Action Count
10-27-2004	Mail Reply Brief Noted by Examiner
10-26-2004	Reply Brief Noted by Examiner
10-26-2004	Date Forwarded to Examiner
07-08-2004	Reply Brief Filed
09-20-2004	Order Returning Undocketed Appeal to the Examiner
07-29-2004	Appeal Awaiting BPAI Docketing
07-08-2004	Request for Oral Hearing
06-25-2004	Case Docketed to Examiner in GAU
05-05-2004	Mail Examiner's Answer
05-03-2004	Examiner's Answer to Appeal Brief
04-21-2004	Date Forwarded to Examiner
04-05-2004	Appeal Brief Filed
04-05-2004	Workflow Incoming amendment IFW
03-17-2004	Mail Advisory Action (PTOL - 303)
03-16-2004	Advisory Action (PTOL-303)
02-20-2004	Date Forwarded to Examiner
02-13-2004	Amendment/Argument after Notice of Appeal
02-13-2004	Request for Extension of Time - Granted
02-09-2004	Notice of Appeal Filed
11-05-2003	Mail Final Rejection (PTOL - 326)
11-03-2003	Final Rejection

10-03-2003 Date Forwarded to Examiner
09-18-2003 Response after Non-Final Action
06-18-2003 Mail Non-Final Rejection
06-16-2003 Non-Final Rejection
06-12-2003 Case Docketed to Examiner in GAU
12-31-2002 Information Disclosure Statement (IDS) Filed
11-26-2002 Information Disclosure Statement (IDS) Filed
08-12-2002 Case Docketed to Examiner in GAU
12-26-2001 Transfer Inquiry to GAU
10-30-2001 Application Dispatched from OIPE
10-26-2001 Correspondence Address Change
10-10-2001 IFW Scan & PACR Auto Security Review
09-28-2001 Initial Exam Team nn

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